

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**SHANE MICHAEL OENNING,**

**Petitioner,**

**v.**

**KAMALA HARRIS (CALIFORNIA ATTORNEY  
GENERAL), GREG MUNKS (SAN MATEO  
COUNTY SHERIFF),**

**Respondents.**

**Case No.: 14-CV-0263 YGR**

**ORDER:**

- (1) REQUIRING RESPONDENTS TO ANSWER  
PETITION FOR WRIT OF HABEAS  
CORPUS;**
- (2) REQUIRING PARTIES TO FILE  
CONSENT/DECLINATION TO  
JURISDICTION OF MAGISTRATE JUDGE;**
- (3) REQUIRING PARTIES TO SUBMIT  
PROPOSED BRIEFING SCHEDULE AFTER  
MEETING AND CONFERRING; AND**
- (4) SETTING COMPLIANCE HEARING**

Shane Michael Oenning petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2254. (Dkt. No. 1.) Petitioner seeks relief on the basis that his misdemeanor conviction for a violation of California Vehicle Code section 23152(b) allegedly was supported by evidence obtained through a warrantless blood draw.<sup>1</sup> Petitioner represents that the San Mateo County Superior Court imposed a 30-day jail sentence, but that the sentence was stayed pending state court appeals. Petitioner further represents that his state court appeals are exhausted and that he expects the Superior Court, on January 30, 2014, to order his surrender to serve his sentence.

Pursuant to Rule 4 of the Rules Governing § 2254 Cases, the Court **ORDERS** Respondents Kamala Harris and Greg Munks to answer the Petition.

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<sup>1</sup> Section 23152(b) provides, in pertinent part: "It is unlawful for a person who has 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle."


1 No more than **10 days** after the signature date of this Order, all parties shall file either a  
2 Consent or Declination to the referral of this matter to a magistrate judge for all purposes, including  
3 final disposition of the matter. 28 U.S.C. § 636(c); Fed. R. Civ. P. 73; N.D. Cal. Habeas L.R. 2254-  
4 4(b); N.D. Cal. General Order 42, ¶ 2(a).

5 No more than **21 days** after the signature date of this Order, the parties shall file a Joint  
6 Proposed Briefing Schedule for the filing of the Answer and any Traverse. The parties shall meet  
7 and confer prior to submitting their Joint Proposed Briefing Schedule, and so certify in their filing.  
8 If the parties fail to arrive upon a Joint Proposed Briefing Schedule, then the dates set forth in this  
9 Court's Habeas Local Rule 2254-6 shall govern.

10 The Court **SETS** a compliance hearing in this matter on the Court's 9:01 a.m. Calendar on  
11 **Friday, February 21, 2014**, in Courtroom 5 of the United States Courthouse located at 1301 Clay  
12 Street in Oakland, California. No more than 5 business days before the compliance hearing, the  
13 parties shall have filed either (1) their Consents or Declinations regarding magistrate jurisdiction, as  
14 well as the Joint Proposed Briefing Schedule, as required by this Order, or (2) a Statement of  
15 Noncompliance explaining their failure to make the required filings. If compliance is complete, the  
16 Court will vacate the compliance hearing and no appearance will be required. Failure to comply  
17 may result in sanctions.

18 **IT IS SO ORDERED.**

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20 Date: January 24, 2014

21   
22 YVONNE GONZALEZ ROGERS  
23 UNITED STATES DISTRICT COURT JUDGE  
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